

# EXHIBIT 17

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County  
**Date:** Friday, October 22, 2021 at 3:35:25 PM Eastern Daylight Time  
**From:** Daniel White  
**To:** Marilyn Marks, Robert McGuire, Bryan Tyson, Bruce Brown  
**CC:** Josh Belinfante, vrusso@robbinsfirm.com, Cary Ichter, Cross, David D., Adam M. Sparks, Conaway, Jenna B., Jill Connors, Carey Miller, Alexander Denton, Jonathan Crumly  
**Attachments:** OEB 12-01-2020 Preserving Ballot Images for SOS.pdf

Counsel,

After reviewing your email below with my client and having staff research the files that are cited as missing, I've assembled the response below:

Here is the inventory list of what we expected to have, but what appears to be missing:

Cobb County original count tiff image inventory:  
Zero fulfilled. (All original count images missing.)

The first instructions Cobb County received from the Secretary of State on preserving ballot images was from the attached memo dated 12/1/2020 (see attachment), which only addressed uploading images for the Election Project. Accordingly, the images from the Original Count of the November 2020 election were not uploaded to the Election Project, nor were they preserved and submitted to the Superior Court Clerk. The memory cards from that Original Count were reused and overwritten in subsequent elections as permitted by the SEB Rules. It should also be noted that at the time of the Original Count of the November 2020 Election, the State's Election Project System was set up by default to not include the ballot images with the upload, but only results. When Cobb later began preserving and uploading ballot images, a box had to be "checked" to make sure they were included in the upload.

So while Cobb does not have the ballot images from the Original Count, it should be noted that proper chain of custody was maintained at all times for the original physical ballots, and the images from the Recount match the number of ballots cast in the Original Count to within 34 ballots (out of nearly 400,000 cast). Cobb provided the original flash drives with the ballot images from the Recount scanners to the SOS. Cobb has been told that the SOS has provided a copy of the Recount images from those flash drives, so presumably Plaintiffs already have a copy of those images or could have gotten them from the SOS without sending a subpoena to a non-party. However, in an attempt to be accommodating, Cobb requested and retrieved a copy of those flash drives from the SOS to provide them to Plaintiffs. It appears that the images provided back to Cobb by the SOS did not include images from the Absentee group, but presumably the State would still have a copy of those.

Cobb County machine recount tiff image inventory:

Following Batches Not yet fulfilled--  
Tabulator 1892 batches 10,11,12  
Tabulator 1893 batches 16,17,18  
Tabulator 1894 batches 1,2  
Tabulator 4001 batches 74,75,76,77,78,79,80,81,82,83,84,85  
Tabulator 4002 batches 74,75,76,77,78,79,80  
Tabulator 4003 batches 9,10,11,12,13,14  
Tabulator 4004 batches 72,73,74,75,76,77,78  
Tabulator 4006 batches 44,45,46,47,48

Tabulator 4007 batches 53,54,55,56,57,58,59,60,61,62  
Tabulator 1840 batches 1,40,41,42,43  
Tabulator 1850 batches 314 to 386 and 466  
Tabulator 1864 batch 396  
Tabulator 1865 batches 20 and 354

Thank you both for checking on what appear to be missing files.

Cobb looked into the list above and found that the “missing” batches cited are actually batches that were marked “rejected” in the Results file, and rescanned with new batch numbers. At the time of the Recount, when scanning mistakes were made, those particular batches were caught by various checks and balances and the batch was marked as rejected and removed from the files to be uploaded. The batch was then rescanned and the correctly scanned images were added to the files to be uploaded. In other words, the batches Plaintiff has identified as “missing” are simply batches that were rejected/deleted from the results due to scanning errors, but that doesn’t mean those ballot images are missing from the Recount files, because those ballots were rescanned and added back with a new batch number. This is why there appear to be gaps, or non-sequential batch numbers.

Staff is now aware that there is a way to fully remove a “bad” batch from the ICC scanner, so that it is not copied to the flash drive and uploaded to EMS. However, at the point of the Recount in November, Cobb’s assigned technician had advised staff to use a process that only partially removed these batch files from the ICC. When Cobb uploaded the ICC flash drive to EMS, staff caught the discrepancy and it rejected or deleted these batches from the Results file and only included the properly scanned or rescanned batches.

In summary, while Cobb County has maintained proper chain of custody for all physical ballots, and the numbers in the Recount and the hand Recount match the numbers from the original Count, Cobb does not have copies of the ballot images from the Count within its control. The ballot images from the Recount were given to the Secretary of State’s Office, who should have already provided to you what Cobb later retrieved from them. Lastly, regarding the file batches “missing” from the Recount, those batches are not “missing,” but instead were not included in the files because they were initially rejected during the Recount scanning process. Those rejected ballot image were rescanned and given new batch numbers, resulting in the “gaps” in the sequential ordering of the batch numbers.

I hope this explanation sheds some light on the documents Cobb turned over in response to the subpoena. I can be available next week if you need further explanation about the responses. Have a good weekend!

Daniel W. White  
Haynie, Litchfield & White, PC  
222 Washington Ave.  
Marietta, Georgia 30060  
770-422-8901 (direct dial)

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**From:** Daniel White

**Sent:** Thursday, October 21, 2021 4:58 PM

**To:** Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>

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<Alexander.Denton@robbinsfirm.com>; Jonathan Crumly <jcrumly@taylorenglish.com>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Counsel,

My clients have given me as much information as they have been able to collect on your requests below. I am working to assemble it into a coherent response and had hoped to have it to you by this afternoon, but I need one more bit of clarification from my client and that call can't happen until tomorrow morning. Once I finish that call I'll send over our response. Just wanted to follow up since my prior email indicated that I'd get it to you today.

Daniel W. White  
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**From:** Marilyn Marks  
**Sent:** Wednesday, October 20, 2021 3:44 PM  
**To:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; vrusso@robbinsfirm.com; Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Jill Connors <[JConnors@ichterdavis.com](mailto:JConnors@ichterdavis.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Jonathan Crumly <[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>  
**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Thanks so much.  
We look forward to hearing from you.  
Marilyn

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**From:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>  
**Date:** Wednesday, October 20, 2021 at 3:40 PM  
**To:** Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>, Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>  
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**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Ms. Marks, I have been working with my client to gather information about your request below. I had been preparing a more general response to Bruce's inquiry, but given the specificity of the requests below I've asked staff to provide more specific information if they have it. I hope to have that more detailed response to you within the next day.

Daniel W. White

Haynie, Litchfield & White, PC  
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Marietta, Georgia 30060  
770-422-8901 (direct dial)

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**From:** Marilyn Marks  
**Sent:** Wednesday, October 20, 2021 1:25 PM  
**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Jill Connors <[JConnors@ichterdavis.com](mailto:JConnors@ichterdavis.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Jonathan Crumly <[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>  
**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan and Daniel,  
Do you have a status report on the production of any more Cobb County images to address the apparent gaps in the batches noted below?  
Thank you.

Marilyn Marks  
Executive Director  
[Coalition for Good Governance](#)  
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**From:** Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Date:** Monday, October 18, 2021 at 3:28 PM  
**To:** Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>, Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, "dwhite@hlw-law.com" <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, "vrusso@robbinsfirm.com" <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>, "Cross, David D." <[DCross@mofo.com](mailto:DCross@mofo.com)>, "Adam M. Sparks" <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, "Conaway, Jenna B." <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Jill Connors <[JConnors@ichterdavis.com](mailto:JConnors@ichterdavis.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Jonathan Crumly <[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan, just confirming—Bruce and Cary and I do request that you respond directly to Ms. Marks regarding the below, in the interest of getting this discovery completeness question resolved most efficiently.

Thank you.

Best,  
Robert McGuire

ROBERT A. MCGUIRE, III

\*\*\* NOTE NEW CONTACT DETAILS BELOW \*\*\*

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**From:** Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>

**Sent:** Monday, October 18, 2021 12:22 PM

**To:** Bryan Tyson <[btyson@taylorenGLISH.com](mailto:btyson@taylorenGLISH.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; [dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)

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**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan,

Thanks for tracking down that tabulator last week. I'm writing to follow up on whether there are more missing files. In the interest of efficiency, I am contacting you directly, and I'm including Daniel White here as he has been working with Jill Connors to try to locate any files in Cobb County. I wanted to update you both after our expert made the latest inventory over the weekend to determine if either the SOS office or Cobb County has copies of any more of the images that appear to be missing, and whether a copy was delivered to the Cobb County Superior Court that could be obtained with a court order.

I'm sure that Bruce or Rob will confirm that they would ask that you copy me on your response. Daniel, your response would be welcome as well as to what your findings have been.

Here is the inventory list of what we expected to have, but what appears to be missing:

Cobb County original count tiff image inventory:

Zero fulfilled. (All original count images missing.)

Cobb County machine recount tiff image inventory:

Following Batches Not yet fulfilled--

Tabulator 1892 batches 10,11,12

Tabulator 1893 batches 16,17,18

Tabulator 1894 batches 1,2

Tabulator 4001 batches 74,75,76,77,78,79,80,81,82,83,84,85

Tabulator 4002 batches 74,75,76,77,78,79,80

Tabulator 4003 batches 9,10,11,12,13,14

Tabulator 4004 batches 72,73,74,75,76,77,78  
Tabulator 4006 batches 44,45,46,47,48  
Tabulator 4007 batches 53,54,55,56,57,58,59,60,61,62  
Tabulator 1840 batches 1,40,41,42,43  
Tabulator 1850 batches 314 to 386 and 466  
Tabulator 1864 batch 396  
Tabulator 1865 batches 20 and 354

Thank you both for checking on what appear to be missing files.

Marilyn Marks  
Executive Director  
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---

**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Date:** Tuesday, October 12, 2021 at 11:21 AM  
**To:** Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, "vrusso@robbinsfirm.com"  
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**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bruce,

We checked the list of files in the Sharefile versus the ones that the SOS office had and found one file that was not at the link: tabulator 01863. That file has now been uploaded and is available on the Sharefile link and brings the total to 396,532 images. Let us know if you have trouble accessing the file.

The only images the SOS received from Cobb County are the recount images.

Thanks,

Bryan

Bryan P. Tyson  
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On Oct 11, 2021, at 4:34 PM, Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)> wrote:

Bruce,

Let me check with the Secretary's office and I'll let you know.

Thanks,

Bryan

**Bryan P. Tyson**

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<image001.jpg>

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**From:** Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>

**Sent:** Monday, October 11, 2021 4:20 PM

**To:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

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**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan,

Our experts worked with the Cobb County files you provided by ftp on Friday. It appears that close to 450,000 images are still missing from production. The details are summarized below. Please let us know whether the images can be provided by either the Secretary's Office or Cobb County. Given the requirement under Election Rule 183-1-12-.13 that a copy of all images must be deposited with the clerk of superior court, we assume that your client and Cobb County officials have determined that the clerk of the court does not possess these copies. Please confirm whether the clerk received a copy of the images.

Please let us know right away whether Cobb's ballot images can be produced as required, and summarized below.

**Cobb initial count (Official count for all but POTUS)**

No ballot images have been provided. We received the following quantities of images:

Election Day: Zero of an expected 71117 per the election database received from the Secretary of State.

Advanced: Zero of an expected 174979

Absentee: Zero of an expected 149911

Provisional: Zero of an expected 544

The number of original count images we are short and seeking is 396551, a number that corresponds with all the Ballots Cast from the Election Night Report on Clarity.

**Cobb machine recount (POTUS)**

A partial set of ballot images have been provided as follows.

Election Day: 63284 of an expected 64139 per the election database received from the Secretary of State

Advanced: 174968 of an expected 188650

Absentee: 113989 of an expected 150875

Provisional: 542 (all of these were received)

We have 360603 images from Cobb and expect as many as 412368 representing the machine recount according to the election database received from the Secretary of State.

It is possible some of the images will be found in folders named NotCastImages.

The following counts are of images remaining to be provided from Cobb for the recount tabulation:

The values in parentheses represent all the batches and images expected from the tabulator per the election database received from the Secretary of State.

List of missing images:

Tabulator 1892 batches 10,11,12

Tabulator 1893 batches 17,18,19

Tabulator 4001 batches 74 to 85 inclusive

Tabulator 4002 batches 74 to 80 inclusive

Tabulator 4003 batches 9 to 14 inclusive

Tabulator 4004 batches 72 to 78 inclusive

Tabulator 4006 batches 44 to 48 inclusive

Tabulator 4007 batches 53 to 56 inclusive

Tabulator 1840 batches 140 and 141  
Tabulator 1850 batches 314 to 386 inclusive and 466  
Tabulator 1863 - all of the 626 batches, (19306 images)  
Tabulator 1864 batch 396  
Tabulator 1865 all of the 573 batches, (16643 images)  
The number of recount images we are short and are seeking is 50,051.

Thanks,

Bruce

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**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Date:** Wednesday, October 6, 2021 at 2:31 PM  
**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, "vrusso@robbinsfirm.com"  
<[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Cary Ichter  
<[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>, "Cross, David D." <[DCross@mofo.com](mailto:DCross@mofo.com)>, "Adam M. Sparks"  
<[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, "Conaway, Jenna B." <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Jill Connors  
<[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Alexander  
Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Jonathan Crumly  
<[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>, Coalition for Good Governance <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

As I understand it, these are recount images. We'll send FTP and can arrange external media as well.

Thanks,

Bryan

**Bryan P. Tyson**  
Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339  
P: 678.336.7249 | M: 404.219.3160 | [btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)  
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**From:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Sent:** Wednesday, October 6, 2021 1:05 PM  
**To:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Jonathan Crumly <[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>; Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan, thanks.

What images are represented in what you are sending, original count or the recount?

Also, we would appreciate receiving these both by ftp and external media to Jill Connors in Cary's office.

Thank you.

Best,  
Robert McGuire

ROBERT A. MC GUIRE, III

\*\*\* NOTE NEW CONTACT DETAILS BELOW \*\*\*

SHAREHOLDER | THE ROBERT MC GUIRE LAW FIRM

1624 MARKET St STE 226 #86685, DENVER, CO 80202-2523 | 113 CHERRY St #86685, SEATTLE, WA 98104-2205

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**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Sent:** Wednesday, October 6, 2021 7:46 AM  
**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>;

Jonathan Crumly <[jcrumly@taylorenglish.com](mailto:jcrumly@taylorenglish.com)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Robert,

At our request after receiving this additional information from Cobb County, the Secretary's office searched again and was able to locate additional USB drives received from Cobb County that contained ballot images. Those drives contain a total of 324,886 additional ballot images. These images were not in the election project files but were stored separately on USB drives. The SOS staff is in the process of downloading those images into a format we can send to you and we will produce them as soon as we receive them from the Secretary's office.

I have removed Ms. Marks from this response.

Thanks,

Bryan

**Bryan P. Tyson**

**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339

P: 678.336.7249 | M: 404.219.3160 | [btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)

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**From:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Sent:** Tuesday, October 5, 2021 1:35 PM

**To:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>

**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B.

<[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>; Jill Connors

<[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Bryan,

Coalition Plaintiffs have requested the November ballot images, but we have received only 71,000 recount images, which means that nearly 400,000 images are missing from the original count and over 300,000 are missing from the recount.

Daniel White's email below states that ***all*** ballot images were delivered to the SOS.

Based on your mail of September 17, we assume that your client does not presently have possession of the images or copies. Please let us know the status of this request for Cobb's images in the possession of the Secretary's office. We need to promptly obtain a definitive answer on whether the images were preserved.

Thank you.

Best,  
Robert McGuire

ROBERT A. MCGUIRE, III

\*\*\* NOTE NEW CONTACT DETAILS BELOW \*\*\*

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1624 MARKET ST STE 226 #86685, DENVER, CO 80202-2523 | 113 CHERRY ST #86685, SEATTLE, WA 98104-2205

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**From:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>

**Sent:** Tuesday, October 5, 2021 7:22 AM

**To:** Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>

**Cc:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Josh

Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown

<[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; Cross, David D.

<[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B.

<[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Jill, after the November 2020 election and recount the Cobb County Elections Department turned all ballot images over to the Secretary of State's Office, and did not retain any of those images in its own records. Even though my client did not have those images in its possession, after receiving your subpoena Cobb inquired with the Secretary of State about retrieving copies in a good faith effort to comply with the subpoena. The images on the drives are only what was given to us by the Secretary of State.

Daniel W. White  
Haynie, Litchfield & White, PC  
222 Washington Ave.  
Marietta, Georgia 30060  
770-422-8901 (direct dial)

---

**From:** Jill Connors

**Sent:** Thursday, September 30, 2021 12:35 PM

**To:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>

**Cc:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; vrusso@robbinsfirm.com; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D.

<[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B.

<[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Marilyn Marks <[Marilyn@USCGG.org](mailto:Marilyn@USCGG.org)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Good Afternoon, Daniel,

I am writing to follow up on my email below. Can you please update me as to the status of this?

Thank you.

**Jill Connors, JD - Paralegal**  
**Ichter Davis LLC**

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**From:** Jill Connors  
**Sent:** Friday, September 24, 2021 1:08 PM  
**To:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>  
**Cc:** Bryan Tyson <[btyson@taylorenGLISH.com](mailto:btyson@taylorenGLISH.com)>; Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>  
**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Daniel,

I hope this email finds you well. I am writing to follow up on the production of Cobb ballot images. After reviewing the USB drives and links provided, we found that (1) they did not include images of the original count, and (2) they included only 71,000 images from the recount, while over 400,000 recount images were anticipated. Accordingly, we request that the full inventory of ballot images for the two counts be promptly provided, or confirmation that no other images were preserved.

Please let me know if you have any questions.

Thank you.

**Jill Connors, JD - Paralegal**  
**Ichter Davis LLC**

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**From:** Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>  
**Sent:** Friday, September 17, 2021 2:03 PM  
**To:** Bryan Tyson <[btyson@taylorenGLISH.com](mailto:btyson@taylorenGLISH.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Much appreciated.

**Jill Connors, JD - Paralegal**  
**Ichter Davis LLC**

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**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Sent:** Friday, September 17, 2021 4:20 PM  
**To:** Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Jill,

What I sent you is what I received from the Secretary's office. I'll check with them and see, but am not sure if they would receive both sets of images from November or not. I'll let you know what I find out.

Thanks,

Bryan

**Bryan P. Tyson**  
Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339  
P: 678.336.7249 | M: 404.219.3160 | [btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)  
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**From:** Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>  
**Sent:** Friday, September 17, 2021 3:59 PM  
**To:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Good Afternoon, Bryan:

Our team has taken an initial look at the files included in the link you sent yesterday. Unless we failed to complete the entire upload (there was a significant amount of data which can cause errors in the upload), it appears that only the recount files were included in the link as opposed to all images from the November original count and the machine recount. Please advise as to whether we are mistaken; and if not, how we can obtain the full inventory of Cobb County ballot images for the November election.

Thank you for your time and attention to this matter.

**Jill Connors, JD - Paralegal  
Ichter Davis LLC**

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**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>  
**Sent:** Thursday, September 16, 2021 2:47 PM  
**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>  
**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Rob and Jill,

The ballot images have been uploaded to this link:  
<https://taylorenglishduma.sharefile.com/j/if9f905bc6f448598>

Let us know if you have any trouble accessing them.

Thanks,

Bryan

**Bryan P. Tyson**

**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339  
P: 678.336.7249 | M: 404.219.3160 | [btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)  
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**From:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Sent:** Thursday, September 16, 2021 12:34 PM

**To:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>

**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>; Jill Connors <[JConnors@ichterdavis.com](mailto:JConnors@ichterdavis.com)>; Marilyn Marks <[Marilyn@uscg.org](mailto:Marilyn@uscg.org)>

**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Thanks, Bryan. Please send the images to Jill Connors, copied.

Best,  
Rob

ROBERT A. MCGUIRE, III

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**From:** Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>

**Sent:** Wednesday, September 15, 2021 1:55 PM

**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Cc:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>; Jill Connors <[JConnors@ichterdavis.com](mailto:JConnors@ichterdavis.com)>; Marilyn Marks <[Marilyn@uscg.org](mailto:Marilyn@uscg.org)>

**Subject:** Re: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Robert,

We have discussed this with the Secretary's office and Cobb County did not include their ballot images with their Election Project files, but sent them under separate cover. A group from Cobb County Elections picked up a copy of their ballot images this afternoon and we can likely get a copy of those images tomorrow to send to you.

Thanks,

Bryan

Bryan P. Tyson

Taylor English Duma LLP | [1600 Parkwood Circle, Suite 200, Atlanta, GA 30339](https://www.taylorenglish.com)

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On Sep 15, 2021, at 12:55 PM, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)> wrote:

Bryan,

Please see the highlighting below in an email from Cobb County regarding our subpoena for election project files, specifically the ballot images. Daniel White tells us these images have been sent to the State.

Can you please check with the Secretary's folks and arrange for the Cobb ballot image files either to be sent to Jill Connors (copied), or else put on an FTP download site with a link where we can

download them?

Thank you.

Best,  
Robert McGuire

ROBERT A. MCGUIRE, III  
**DETAILS BELOW \*\*\***

\*\*\* NOTE NEW CONTACT

SHAREHOLDER | THE ROBERT MCGUIRE LAW FIRM  
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**From:** Daniel White <[dwhite@hlw-law.com](mailto:dwhite@hlw-law.com)>  
**Sent:** Wednesday, September 15, 2021 7:57 AM  
**To:** Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>  
**Cc:** Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Gregg Litchfield <[gell@hlw-law.com](mailto:gell@hlw-law.com)>; Eveler, Janine <[Janine.Eveler@cobbcounty.org](mailto:Janine.Eveler@cobbcounty.org)>  
**Subject:** RE: Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Jill,

As I mentioned yesterday, the attorney in the Cobb County Attorney's office who was monitoring this case, Elizabeth Monyak, is out on FMLA leave. Because of her absence and my familiarity with this case, the County has asked me to assist you with this request.

Janine Eveler forwarded your email and subpoena earlier this week and have been coordinating with her regarding what documents Cobb BoE has in its possession. After talking with her about the requested items, it appears that we do have copies of the Election Project files that we can provide on a flash drive, I just need a day or two to review them, mark them confidential, and add Bates numbering. We do not currently have possession of any ballot images from the election, and any ballot images from the recount were submitted directly to the Secretary of State on the original flash drives. The county does intend to retrieve copies of those images at some point in the near future, but at the present time those documents are not in the county's possession.

Per our conversation this morning, I will agree to accept service of the subpoena on behalf of Janine if Plaintiffs are willing to give us until Friday to provide you with the flash drive containing the marked and Bates stamped-documents.

Additionally, if/when Cobb BoE obtains any of the ballot images you've requested, we will agree to send copies to you if the state has not already done so (provided there is no protective order or agreement excluding them).

Please reply at your earliest convenience and confirm our extension of time to respond to the subpoena.

Daniel W. White  
Haynie, Litchfield & White, PC  
222 Washington Ave.  
Marietta, Georgia 30060  
770-422-8901 (direct dial)

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**From:**

**Sent:** Friday, September 10, 2021 1:10 PM

**To:** Monyak, Elizabeth <[Elizabeth.Monyak@cobbcounty.org](mailto:Elizabeth.Monyak@cobbcounty.org)>

**Cc:**

**Subject:** Curling v. Raffensperger - Issuance of Subpoena to Cobb County

Good afternoon, Ms. Monyak,

As you may recall, Cary Ichter, along with Bruce Brown, represents the Coalition Plaintiffs in Curling v. Raffensperger, currently pending in the United States District Court for the Northern District of Georgia. On Cary's behalf, I have attached a pdf of a subpoena to Cobb County for documents – specifically, "Election Project files, including all ballot images, for the November 3, 2020 election and the recount."

We would like to avoid the trouble and expense of personally serving this subpoena and also work out the logistics for the actual production of the documents. Will you accept service of the subpoena?

Thank you and I look forward to hearing from you.

And – Cary says "Hi!"

**Jill Connors, JD - Paralegal**  
**Ichter Davis LLC**  
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